

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Maria C Sanchez, Planner II

SUBJECT: Quasi Judicial Hearing, Variance Application: V 3-1-08/08-39/
Focke/4250 SW 92 Avenue/Generally located on the eastside of SW 92nd Avenue, north
of SW 45th Street

AFFECTED DISTRICT: District 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: V 3-1-08/08-72/Focke

REPORT IN BRIEF: The petitioner is requesting a variance from the Land Development Code, Section 12-81(A) that requires a minimum thirty (30) foot side setback within the A-1, Agricultural District to accomodate an addition to the existng residence. The proposed variance would allow the propossed addition to encroach four point eight (4.8) feet into the required side yard setback on the petitioner's property providing a 24.5 foot setback.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Planning Report

Application: V 3-1-08/08-72/Focke

Original Report Date: 4/31/08

Revision(s):

Name: Richard A. Focke

Address: 4250 SW 92 Avenue

City: Davie, Florida 33328

Phone: (954) 547-9525

Background Information

Date of Notification:

May 7, 2008

Number of Notifications: 62

Petitioner's Request:

A variance from the Land Development Code, Section 12-81(A), Conventional Single-Family Development Standards, for the A-1, Agricultural District **FROM:** a required minimum 30 foot side setback **TO:** provide a 25.2 feet side setback along the northern property line

Address:

4250 SW 92 Avenue

Location:

Generally located on the eastside of SW 92nd Avenue, north of SW 45th Street

Future Land

Use Plan Map:

Residential 1 DU/AC

Existing Zoning(s):

A-1, Agricultural District

Existing Use(s):

Single-Family Home

Parcel Size:

42,893 square feet

Proposed Use(s):
addition

Existing single-family home with a two-story proposed

<u>Surrounding Uses:</u>		<u>Surrounding Land</u>
		<u>Use Plan Designation:</u>
North:	Pine Island Park	Residential 1 DU/AC
South:	Single-Family Home	Residential 1 DU/AC
East:	House of Worship	Residential 1 DU/AC
West:	Single-Family Home	Residential 1 DU/AC

	<u>Surrounding Zoning:</u>
North:	RS, Recreation/Open Space District
South:	A-1, Agricultural District
East:	CF, Community Facility District
West:	A-1, Agricultural District

Zoning History

Related Zoning History: Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-309), Land Development Code, review for variances.

Land Development Code (Section 12-24) (I)(1), Agricultural (A-1)) Districts: The A-1 District is intended to implement the agricultural and residential one (1) unit per acre classification of the Town of Davie Future Land Use Plan and to maintain, protect and encourage the continuance of a productive agricultural community in Davie by ensuring that developments are buffered from agricultural uses.

Land Development Code (Section 12-81) 81(A): The development standards that govern the construction of single-family dwelling units in the agricultural district. The A-1, Agricultural District requires the following minimums: lot area of 35,000 square feet, 140' minimum lot frontage, 40'-50' front setback, 30' side setbacks, 35' rear setback, 35' maximum building height, and 25 percent maximum building coverage.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 2. This Planning Area is south of SW 14 Street, north of Orange Drive, east of Interstate 75, and its eastern most boundary is Pine Island Road. The predominant existing and planned land use in this area is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

The petitioner's variance application consists of a request to reduce the required minimum 30 foot side setback to provide a 25.2 foot side setback along the northern property line. At the time this property's site plan was approved the Development

Standards for the A-1, Agricultural District, required a minimum 25 foot side setback. *In 2002, the adoption of the Rural Lifestyle Development Regulations changed this requirement to 30 feet, making the existing building a legally nonconforming structure.*

The granting of the variance is not necessary for the reasonable use of the land or building and the variance as requested is not the minimum variance that will accomplish this purpose.

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

At the May 14, 2008 Planning and Zoning Board meeting, Mr. Pignato made a motion, seconded by Mr. Busey, to approve. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – yes; Ms. Turin – yes. (Motion carried 4-0)

Exhibits

File Location: P&Z\Development Applications\Applications\V_Variance\V_08\V 3-1-08 Focke

Exhibit 1 (Justification Letter)

TOWN OF DAVIE BUILDING DEPARTMENT
(VARIANCE DEPARTMENT)

Permit # 08-0964
Variance # V3-1-08

To whom this may concern:

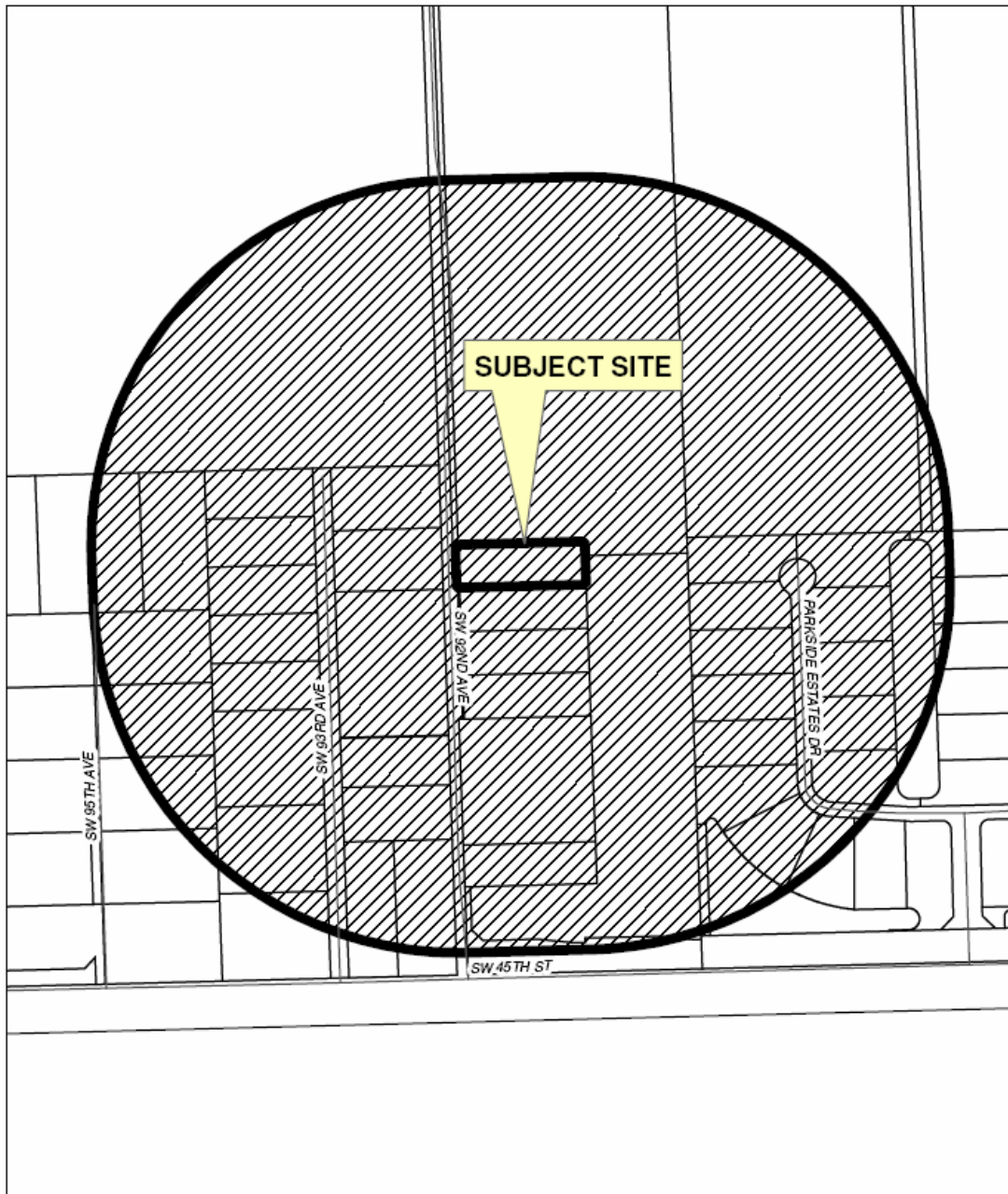
My name is Richard A. Focke, I am adding an addition to my house at 4250 S.W. 92nd. Ave. Davie, FL. Due to the fact that my house was built in the late 1930's the setbacks in my area have changed. I am trying to add an addition to my house to make it more livable for my family. Please understand that I am not extending my exterior walls past the existing building instead adding 25 feet more on the N.W. corner of the property. The house now sits 25'-2 3/4' from the property line to the north which neighbors Bamford Park. I currently have a slab that would become an enclosed living area on both the 1st & 2nd floors, which are 25' X 10'. My plans show that I am keeping with the same line as was accepted when the house was built. On the Westside (from street) which meets the 40' setback, This addition would not adversely affect any neighbors since the back is on that side. I also feel that since I have a slab with a roof system on that side now That I should be granted ability to enclose this area. My house the plans show that the house will sit at 92'-1 1/4' from roadway (S.W. 92nd Ave.) and the setback for the front of the house is 40'. Please review photos and drawings to show existing building, slab and view that neighbor Bamford Park.

Please let me know what else I may have to due

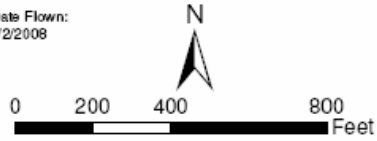
Thanks


Richard A. Focke

Exhibit 2 (Mail-out Map)



Date Flown:
1/2/2008



Prepared by the Town of Davie GIS Division

Variance
V 3-1-08
1000 Foot Buffer

Prepared by: ID
Date Prepared: 4/3/08

Exhibit 3 (Mail-out)

V 3-1-08

BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
115 S ANDREWS AVE ROOM 326
FORT LAUDERDALE FL 33301-1801

V 3-1-08

CHARNO,AMANDA
4414 PARKSIDE RD
DAVIE FL 33328

V 3-1-08

CLAIR,VERNA R IRR TR
4340 SW 93 AVE
DAVIE FL 33328-2410

V 3-1-08

CROSBY,M CECILIA
4300 SW 92ND AVE
DAVIE FL 33328-2405

V 3-1-08

DANTONI,LAURA ELISABETH
4401 SW 93 AVE
DAVIE FL 33328

V 3-1-08

DIPAULO,LEONARD J JR &
DIPAULO,LINDA G
6971 NW 63 WAY
PARKLAND FL 33067

V 3-1-08

EDMONDSON,LISA
EDMONDSON,WILLIAM L III
208 BRECKENRIDGE DR
SIX MILE SC 29682-9200

V 3-1-08

FIORENTINO,FRANK & JILL
4200 SW 95 AVE
DAVIE FL 33328-2416

V 3-1-08

FOCKE,RICHARD A
4250 SW 92ND AVE
DAVIE FL 33328-2408

V 3-1-08

GODBOUT,PETER & PATRICIA
14416 MONTICELLO DR
LISBON MD 21765

V 3-1-08

HERNANDEZ,REYNALDO
4450 SW 93 AVE
DAVIE FL 33328-2418

V 3-1-08

KAISER,RICHARD & MARGIE C
29305 INDIAN POND CT
DADE CITY FL 33523-1902

V 3-1-08

LAFLAMME,RONALD J &
MARGARET M
732 NW 22 ST
WILTON MANORS FL 33311

V 3-1-08

MOX,DOUGLAS &
MOX,LISA A
6929 NW 63 WAY
PARKLAND FL 33067

V 3-1-08

MUSUMECI,TERESA A
4252 SW 92ND AVE
DAVIE FL 33328-2408

V 3-1-08

NELSON,DAVID P & ELENA MARTY
4251 SW 93RD AVE
DAVIE FL 33328-2407

V 3-1-08

PARKSIDE ESTATES ASSOC LTD
18851 NE 29 AVE FL 7
AVENTURA FL 33180

V 3-1-08

PARKSIDE ESTATES OF DAVIE HOA
18851 NE 29 AVE FL 7
AVENTURA FL 33180

V 3-1-08

PEREZ,ADRIAN L
4201 SW 93 AVE
DAVIE FL 33328-2407

V 3-1-08

PEREZ,JOSE
4300 SW 95 AVE
DAVIE FL 33328-2418

V 3-1-08

PICKETT,T S & KATHLEEN
4351 SW 93RD AVE
DAVIE FL 33328-2409

V 3-1-08

QUAKA,JOHN L
4295 SW 93 AVE
DAVIE FL 33328

V 3-1-08

ROSE FARMS INC
PO BOX 291863
DAVIE FL 33329-1863

V 3-1-08

RUBICAM,CLIFTON L & HELEN EST
% CLIFTON L RUBICAM III
11624 N CHARLOTTE ST
KANSAS CITY MO 64155

V 3-1-08

SANTANIELLO,FLORENCE
SANTANIELLO,VINCENT A
4411 SW 93 AVE
DAVIE FL 33328-2411

V 3-1-08

SILVESTRI,LOUIS J &
MANDLI,DIANA L
4330 SW 95 AVE
DAVIE FL 33328

V 3-1-08

SILVESTRI,LOUIS J
MANDLI,DIANA L
4330 SW 95 AVE
DAVIE FL 33328-2418

V 3-1-08

SIMKIN,ALEX
6451 APPALOOSA TRL
DAVIE FL 33330

V 3-1-08

SOUTH FLORIDA CHURCH OF
CHRIST
9191 SW 45 ST
DAVIE FL 33328-2506

V 3-1-08

WACHTEL,YEHUDA G
5050 SW 178TH AVE
DAVIE FL 33331-1148

V 3-1-08

WAHL, WILLIAM E & CLOTHILDE B
4420 SW 93RD AVE
DAVIE FL 33328-2412

V 3-1-08

WALLACE, WILLIAM J
4250 SW 95 AVE
DAVIE FL 33328-2416

V 3-1-08

WEST, ANDRE JULIAN TR
4351 SW 92 AVE
DAVIE FL 33328-2406

V 3-1-08

WINSLOW, ARLEEN
COHEN, STANLEY
4410 SW 93 AVE
DAVIE FL 33328-2412

V 3-1-08
Current Occupant
3800 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4200 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4200 SW 95 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4201 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4210 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4230 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4250 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4250 SW 95 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4251 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4252 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4254 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4256 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4260 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4270 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4295 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4300 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4300 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4300 SW 95 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4311 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4340 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4351 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4351 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4361 SW 92 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4401 SW 93 Ave
Davie, FL 33328

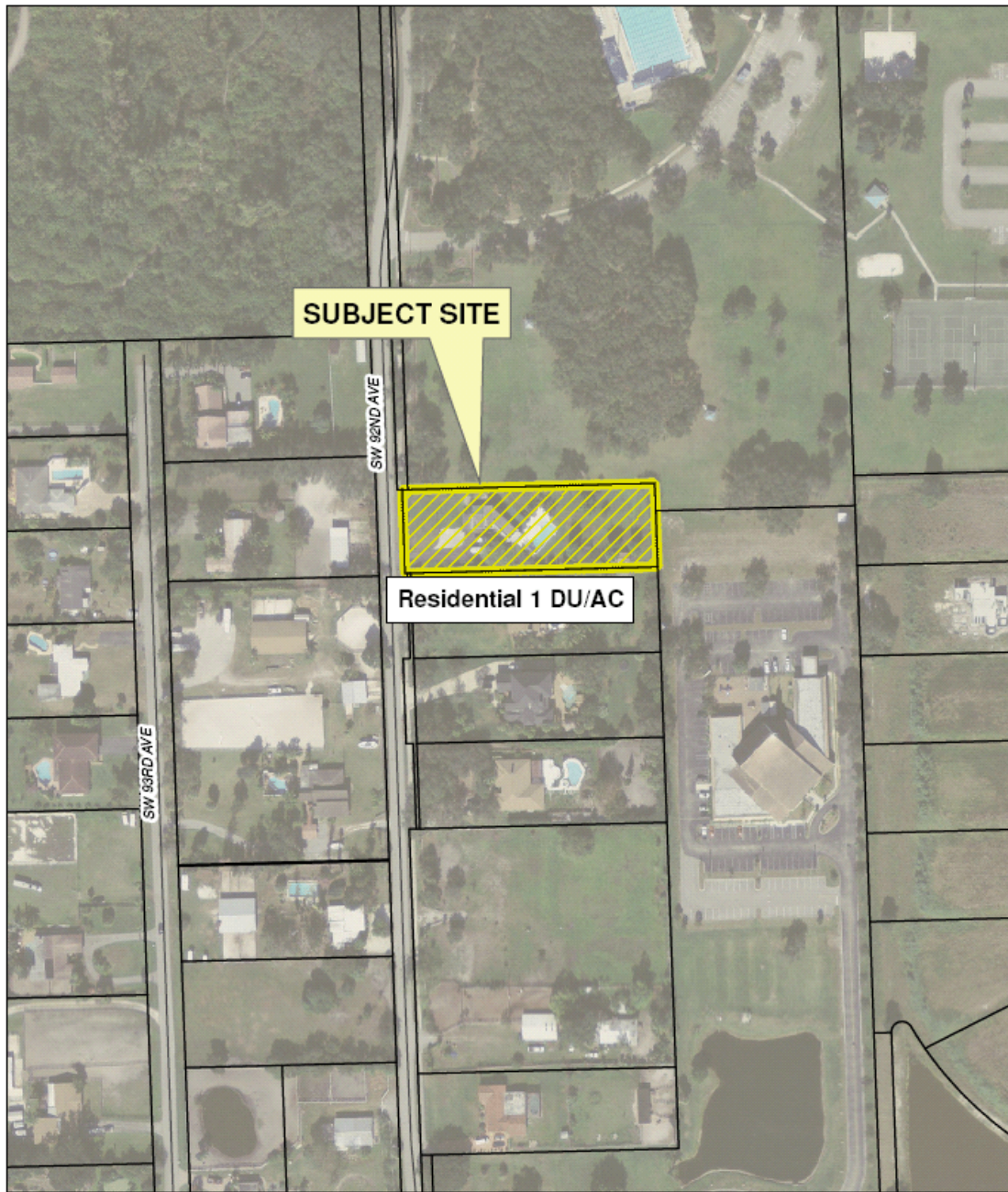
V 3-1-08
Current Occupant
4411 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4420 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
4450 SW 93 Ave
Davie, FL 33328

V 3-1-08
Current Occupant
9191 Orange Dr
Davie, FL 33328

Exhibit 5 (Future Land Use Map)



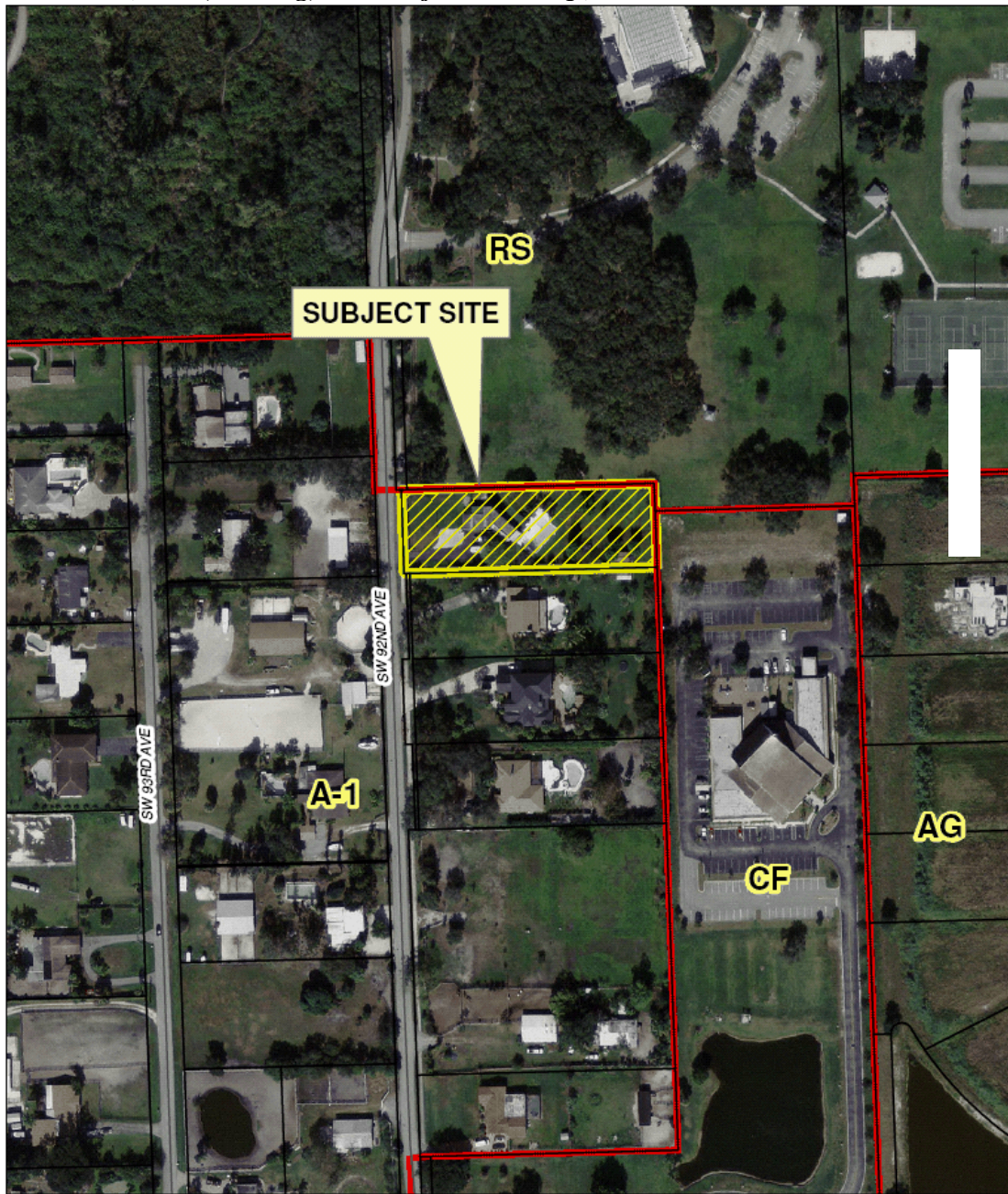
Date Flown:
1/2/2008



Variance
V 3-1-08
Future Land Use Map

Prepared by: ID
Date Prepared: 4/3/08

Exhibit 6 (Aerial, Zoning, and Subject Site Map)



Date Flown:
1/2/2008



Variance
V 3-1-08
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 4/3/08